

### **REMARKS**

This amendment is submitted in response to the Examiner's Final Action dated April 16, 2008. Applicants have incorporated subject matter from several dependent claims (now canceled) into their respective independent claims. The amended independent claims now recite several distinct features of Applicants' invention within a single claim, which combination of features provides novel functionality that are not taught or suggested by the references. Applicants have further added features related to the agent registration with the bus, as provided by the specification at paragraphs 0041 and 0042. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

Applicants are not conceding in this application that the originally presented claims are not patentable over the art cited by the Examiner. Applicants respectfully reserve the right to pursue these original claims and other claims in one or more continuations and/or divisional patent applications.

### **CLAIMS REJECTIONS UNDER 35 U.S.C. § 112**

In the present Office Action, Claims 1 and 3-9 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully disagree with Examiner's analysis and rejection. Applicants point to the originally filed claims, in which the primary ID is provided. As clearly indicated by Examiner's arguments, the primary ID is synonymous with the "key" described within Applicants' specification. Stating that the primary ID (key) is not the type and format of data being subscribed for is supported by a reading of the context by which the primary ID is described and/or introduced. That term is utilized to reference a separate/different construct from the "type" and "format" of data, described within the specification.

Further, the registration of a node for at least a notification of data publication or for the published data is provided in the originally filed Claim 2, which differentiates the notification from the actual return of the data.

The originally filed claims and the features recited therein are considered a part of the written description, and represents knowledge that is attributed to Applicants at the time of Applicants' invention. Had such knowledge not be known to Applicants', Applicants would not have presented claims specifically addressing those features. Thus, all the features being now recited in Applicants' Claim 1 are supported by the originally-filed specification. Once the specification is taken as a whole, the claims do comply with the written description requirement. Applicants, therefore, respectfully request reconsideration and removal of the rejection under 112, first paragraph.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

On page 4 of the present Office Action, Claims 1, 4-6, 9-10, 13-15, 18-19, 22, 24 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cohen* (U.S. Pat. No. 5,881,315) in view of *Reed et al.* (U.S. Pat. No. 6,345,288). On page 10 of the present Office Action, Claims 3, 12 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cohen* in view of *Reed et al.* and further in view of *Arslan* (Event Library: and object oriented library for event-driven design). On page 11 of the present Office Action, Claims 7-8 , 16-17 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cohen futher* in view of *Reed* and further in view of *Feridun et al.* (U.S. Pat. No. 6,336,139).

Appellants assert that none of the above combinations of references render Appellants' claimed invention unpatentable because (1) those combinations fail to suggest several of the elements recited by Applicants' claims. Additionally, (2) at the time of Appellants' invention, one skilled in the art would not find Applicants' claimed subject matter to be suggested by any of the combinations of references. Applicants now submit substantive arguments (in line with current legal and statutory premises) to support these two positions.

### **General requirements for a claim rejection under 35 U.S.C. § 103**

According to 35 U.S.C. §103(a):

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

In order to make the obviousness determination, the U.S. Supreme Court held in *Graham v. John Deere Co.*, 383 U.S. 1 (1966) (hereinafter *John Deere*) that three factors must be considered:

- (1) the scope and content of the pertinent prior art;
- (2) differences between the pertinent prior art and the invention at issue; and
- (3) the ordinary level of skill in the pertinent art.

In *KSR Intern. Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 (2007), the U.S. Supreme Court further upheld the standards set forth in *John Deere* by stating that: in determining obviousness, the factual inquiries in *John Deere* must still be considered. That is, first, the scope and content of the prior art must be determined; next, the differences between the claimed invention and the prior art must be ascertained; and finally, the question of obviousness must be addressed by resolving the level of ordinary skill in the pertinent art and determining whether or not such a person would come to the claimed invention by exercising ordinary creativity, common sense and logic.

### **Example Claim 1**

In applying the above standards to Examiner's rejection of Applicants' independent claim(s), Applicants note that the combination of *Cohen* and *Reed* does not render Applicants' claimed invention unpatentable because: (1) the two references, whether taken individually or in combination fail to suggest the subject matter recited by Applicants' independent claims; and (2) one skilled in the art would not have "come to the claimed invention" given the teachings of the combination. When these two *John Deere* requirements are evaluated against Applicants' Claim 1, it becomes clear that the combination fails to suggest to one skilled in the art any of the below listed elements and/or features of Applicants' independent claims:

- (1) generating a subscription object containing a primary identifier (ID) of a published data, wherein the primary ID is a separate parameter from a type and a format of data;
- (2) providing within said subscription object an address of a node associated with the subscribing component, which generated said subscription object;
- (3) in response to ... requesting a notification ..., registering said node within said communicating interface as requesting at least a notification of said published data;

- (4) in response to ... requesting a copy of the published data, registering ...requesting a copy of the published data; wherein said node receives a notification when a notification is desired and said node receives said published data when said published data is requested, ...; wherein, ... a response to the subscription object is ... published data with the primary ID ....;
- (5) when said expression is a logical expression requiring a publication of two or more different data each having unique data type IDs in order to satisfy a part of the specific context:
- (6) ...comparing the associated data type ID for two or more different published data against each unique data type ID within said logical expression; and
- (7) providing the response ... only in response to each of said unique data type IDs within the logical expression matching a required two or more associated data type IDs for two or more different published data.

Neither *Cohen* or *Reed*, nor the combination of *Cohen* and *Reed* suggest the above listed features of Applicants' independent claim. *Cohen* generally teaches an "event management service (EMS)... includes a queuing mechanism for controlling passage of events through an event channel when multiple event consumers cannot consume events being generated ... [the queuing mechanism] includes an input queue... an active queue... and a consumer queue" (Abstract). The specific sections of *Cohen* recited by Examiner to support the rejection of the above claimed features are devoid of any teaching or suggestion of the above features. In fact, when those sections are read careful, it becomes evident that Examiner either misconstrues or misunderstands Applicants' claims or simply mischaracterizes the reference.

For example, col. 6, lines 33-38 and lines 47-49 of *Cohen* describes an "event type" and "event type format" referring specifically to the data that is produced by the publisher (published data) and NOT to the subscription object generated by the subscribing component. *Cohen* provides the following definition of "event" at col. 5, ll 38-41, which states "[a]n 'event' refers to the change of state of some managed resource and is embodiment in the data transmitted between an event supplier and EMS, and between EMS and one or more event consumers." Clearly, not only is the event NOT a subscription object, which is a requirement for the "event" to be suggestive of Applicants' subscription object, but, the event is also defined as being generated at and transmitted from the supplier to the EMS, then to the event consumer. Also, the event type format has a unique universal identifier, which again is not synonymous with or suggestive of Applicants' primary identifier (ID) that is not a "format" or "type" of data, but an actual identifier of the specific data.

Further, logically ANDing filter expressions together cannot be considered as synonymous with or suggestive of the latter three claim elements presented above. Col. 6, lines 62-62 and col. 7, lines 1-12, lines 40, 41-46 of *Cohen* are devoid of any suggestion of the above listed claim elements. For example, col. 7, lines 40-46 (beginning at lines 37) merely describe a parser protocol which “determines if all filters in the event filter group have been evaluated.” Then, within each filter, “the routine looks at each filter expression, A test is then performed... to determine if all of the filter expressions within a particular filter are a predetermined condition, namely TRUE... passes the event to the RPC mechanism for delivery to the registered event consumer.” Notably, this recitation is devoid of any teaching or suggestion of the use of two or more data type IDs that must match before published data meets a given selection criteria. Even given the specific teachings Applicants’ claimed invention, one skilled in the art would not have been inclined to read the above section of *Cohen* as suggesting the specific implementation recited by Applicants’ example Claim 6. Thus, the combination does not suggest the subject matter of Claim 6, and this claim is independently allowable over the combination. Applicants again request Examiner provide a favorable disposition of this claim by extending an allowance of the claim.

The deficiencies in *Cohen* with regards to the above claim element also extend to the other claim elements, such as the wherein clauses, which further define features of the subscription objects. Examiner again relies on a teaching of features related to the event, such as an “Event Log 42” to support the rejection of these features related to the subscription object. One skilled in the art would now find the *Cohen*’s discussions of events, event filtering, and event logs to be suggestive of any of the features associated with the subscription object, as recited by Applicants’ independent claims.

For the above stated reasons, Applicants have traversed the rejection of the claims elements, which rejections rely on the mischaracterization of *Cohen*. Applicants’ example Claim 1, the other independent claims, and all dependent claims are therefore allowable over the combination(s). Applicants respectfully request Examiner provide a favorable disposition of these claims and extend a Notice of Allowance for all claims.

### **CONCLUSION**

Applicants have diligently responded to the Office Action by amending the claims to more completely recite novel features of Applicants' claimed invention within single independent claims. Applicants have further provided arguments which explain why Applicants' claims are not obvious in light of the combinations of references. The amendments and arguments overcome the §§ 112 and 103 rejections, and Applicants respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Isidore", with a large, stylized loop at the end.

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